IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9142 of 2004

Shri Chandulal Motilal Talera & Ors. .....Petitioners

Versus

The Pune Municipal Corporation & Ors.....Respondents

Mr.Madhav J. Jamdar, for the petitioners
Mr. R.G. Ketkar, for the Respondents

CORAM: F.I. REBELLO J.
DATE : 12th January, 2005

P.C.:

. Admittedly the drainage which is sought to be repaired by the Respondents there exists drainage pipeline put up by the Respondents. In other words it is a Municipal drain.

2. The contention of the petitioners is that it is running through their property and even if it is a municipal drain they should be allowed to construct it. It is further submitted that the respondents will damage their property in the course of doing the work.

3. The learned Appellate Court has reversed the trial Court's judgment on the basis that the existing drainage is a drainage put by the Corporation i.e. the respondent herein. Considering that to my mind the order of the learned Appellate Court does not suffer from any error apparent on the face of the record. Learned Counsel for the respondents points out that they have assured the petitioners that in the course of

carrying out the work they will not damage the property.

Statement accepted. Petition disposed of accordingly.

(F.I. REBELLO, J.)